

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOSEPH MANTHA, *on behalf of himself  
and all others similarly situated,*

Plaintiff,

v.

QUOTEWIZARD.COM, LLC,

Defendant.

Civil Action No. 1:19-cv-12235-LTS

**DEFENDANT’S MOTION TO COMPEL SUBPOENA RESPONSES OF NON-PARTY**

Now Comes Defendant QuoteWizard.com, LLC (“QuoteWizard”) and hereby respectfully moves the Court for an Order compelling non-party Microsoft Corporation (“Microsoft”) to substantively respond to QuoteWizard’s Fed. R. Civ. P. 45 Subpoenas seeking subscriber information believed to be related to Fenix Media Solutions, the company that allegedly originated/sold the lead(s) at issue in this case. In support of this Motion, QuoteWizard states as follows:

1. QuoteWizard issued two subpoenas to non-party Microsoft in an attempt to find United States-based connections or contact information for Fenix, the company that allegedly originated and sold Plaintiff Joseph Mantha’s (“Mantha”) disputed lead, which QuoteWizard ultimately purchased. QuoteWizard seeks to take discovery of Fenix if possible but requires a United States-based connection to bring it and/or its officers within this Court’s jurisdiction.

2. Namely, on April 14, 2022, QuoteWizard issued a Rule 45 subpoena to Microsoft for subscriber information for [thephoenixleads@hotmail.com](mailto:thephoenixleads@hotmail.com). A true and accurate copy of the first subpoena and proof of service is attached hereto as Exhibit 1. On May 20, 2022, QuoteWizard

issued a Rule 45 subpoena to Skype, which is owned by Microsoft, for subscriber information for the telephone number 646-583-0824. A true and accurate copy of the second subpoena and proof of service is attached hereto as Exhibit 2. Both the e-mail address and telephone number are believed to be associated with Fenix and may produce United States-based contact information.

3. Microsoft, through outside counsel, served written objections to both subpoenas. A true and accurate copy of its objections to the first subpoena is attached hereto as Exhibit 3; a true and accurate copy of its objections to the second subpoena is attached hereto as Exhibit 4. Microsoft's counsel has stated that Microsoft will not produce the requested information in the absence of a court order.

4. QuoteWizard's and Microsoft's counsel met and conferred by Teams meeting in an attempt to resolve the dispute. Microsoft was willing to waive various objections it had raised, and QuoteWizard even remitted a check as requested by Microsoft, as QuoteWizard was expecting a substantive response. However, Microsoft's counsel later stated that it would refuse to produce the responsive information on the ground that the information was subject or possibly subject to EU Regulation 2016/679, the General Data Protection Regulation.

5. QuoteWizard requires a response to the subpoenas in order to find possible United States-based contact information for Fenix, in turn to subject Fenix to the jurisdiction of this Court and discovery relating to leads Fenix originated and sold during the putative class period.

6. QuoteWizard agrees to accept the responsive information from Microsoft as confidential pursuant to its confidentiality agreement with Plaintiff, and maintain the information as such, meaning that any subscriber information produced by Microsoft will be kept confidential and not subject to public disclosure.

7. A copy of this Motion will be served on Microsoft's counsel.

WHEREFORE, QuoteWizard respectfully requests that the Court grant its Motion and order Microsoft to respond to the two subpoenas in full absent objections.

Respectfully submitted,

QuoteWizard.com, LLC,  
By its attorneys,

/s/ Christine M. Kingston  
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Dated: June 21, 2022

LR 7.1 CERTIFICATION

I, Christine M. Kingston, hereby certify that I conferred with counsel for Plaintiff by e-mail on June 21, 2022 pursuant to LR 7.1. Counsel indicated that they did not assent to the Motion.

Dated: June 21, 2022

/s/ Christine M. Kingston

CERTIFICATE OF SERVICE

I, Christine M. Kingston, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date. I have also caused this Motion to Compel and attached Proposed Order to be served via electronic mail and first-class mail on Microsoft's counsel noted below:

Jordan Harris, Esq.  
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[JordanHarris@dwt.com](mailto:JordanHarris@dwt.com)

Dated: June 21, 2022

/s/ Christine M. Kingston